

Notice of Allowability

Application No.

10/756,462

Examiner

George P. Wyszomierski

Applicant(s)

YOSHIZAWA, YOSHIHITO

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Application filed 1/14/2004.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/14/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Peter Olexy on February 9, 2006.

2. In the claims:

Claim 1, line 4, after "from" insert --the group consisting of--.

Claim 2, line 5, after "from" insert --the group consisting of--

line 6, after "from" insert --the group consisting of--.

Claim 4, line 3, after "from" insert --the group consisting of--.

Claim 5, line 3, after "from" insert --the group consisting of--.

Claim 6, line 2, change "are" to --have been--,

line 3, insert --have-- after "and",

and change "Br Bs-1 being" to --Br/Bs of--.

Claim 8, line 2, after "of" insert --the--,

line 3, change "has" to --have--.

Claim 12, line 2, after "from" insert --the group consisting of--.

Claim 13, line 2, after "from" insert --the group consisting of--.

Claim 14, line 2, change "are" to --have been--,

line 3, insert --have-- after "and",

and change "Br Bs⁻¹ being" to --Br/Bs of--.

Claim 16, line 2, after "of" insert --the--,

line 3, change "has" to --have--.

3. In the specification:

Page 9, line 9, change "Br Bs⁻¹" to --Br/Bs--.

4. The following is an examiner's statement of reasons for allowance:

The instant claims are directed to magnetic alloys which must include all of the following:

a) a composition including Fe, Co, Si, B, and at least one M' element, all in specified amounts,

b) a structure including crystal grains of a size not larger than 50 nm,

c) a flux density not less than 1.65T,

d) a core loss not more than 15 W/kg.

The prior art documents cited on the attached PTO-892 and 1449 forms disclose a variety of magnetic alloy compositions which, given their broadest possible disclosure, may overlap at least a portion of the presently claimed composition. Most of the prior art references disclose numerous examples, and set forth properties of those examples. It is noted in particular that:

i) The vast majority of the flux density values disclosed in the prior art are considerably less than 1.65T.

ii) The only disclosed flux density values within the range required by the instant claims result from compositions that are completely missing one or more elements required by the instant claims.

Despite the numerous permutations of the various possible alloying elements set forth both generically and specifically in the prior art, the prior art does not contain any teaching or suggestion of how to combine the elements as defined in the instant claims in such a manner as to obtain a magnetic flux density value within the range required by the instant claims.


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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Wyszomierski whose telephone number is (571) 272-1252. The examiner can normally be reached on Monday thru Friday from 8:00 a.m. to 4:30 p.m. Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on (571) 272-1244. All patent application related correspondence transmitted by facsimile must be directed to the new central facsimile number, (571)-273-8300. This new Central FAX Number is the result of relocating the Central FAX server to the Office's Alexandria, Virginia campus.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GEORGE WYSZOMIERSKI
PRIMARY EXAMINED
GROUP 1700

GPW

February 9, 2006